



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/723,380
Confirmation No.: 8037
Filing Date: November 26, 2003
Inventor: Robert E. Rodgers, Jr.
Title: EXERCISE APPARATUS THAT
ALLOWS USER VARIED
STRIDE LENGTH

§ Examiner: Crow, Stephen R.
§ Art Unit: 3764
§ Atty. Dkt. No.: 5787-00905
§
§
§
§
§
§
§
§
§
§

CERTIFICATE OF MAILING UNDER 37 C.F.R. §118	
DATE OF DEPOSIT:	3/9/04
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated above and is addressed to:	
Director of the U.S. Patent and Trademark Office Alexandria, VA 22313-1450	
 Jackie L. Pitre	

INFORMATION DISCLOSURE STATEMENT

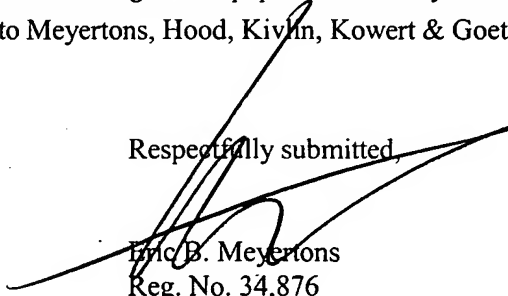
MS: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 (B1-B27) be considered by the Examiner and made of record. Copies of listed documents (B1-B27) are enclosed for the convenience of the Examiner.

It is believed that no fees are required for the filing of this paper. Should any fees be required, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 50-1505/5787-00905/EBM.

Respectfully submitted,


Eric B. Meyertons
Reg. No. 34,876
Attorney for Applicant

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. Box 398
Austin, Texas 78767-0398
Ph: (512) 853-8800 Fax: (512) 853-8801

Date: 3/9/04



Form PTO-1449 (modified) List of Patents and Publications For Applicant's Information Disclosure Statement (Use several sheets if necessary)	ATTY. DOCKET NO: 5787-00905 APPLICANT: Robert E. Rodgers, Jr. FILING DATE: November 26, 2003	SERIAL NO: 10/723,380 CONFIRMATION NO. 8037 ART UNIT: 3764
--	--	--

FOREIGN PATENT DOCUMENTS

EXAM. INITIALS	CITE. NO.	DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION. YES/NO
	B1	914842	1999/05/12	EP	
	B2	95/16502	1995/06/22	WO	

OTHER ART

EXAM. INITIALS	CITE. NO.	OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)
	B3	inshape, "A fitness machine for all reasons", relating to Precor C544, 1 page, undated.
	B4	"New Cardio Machines: Good for the Heart and Mind", Noah Liberman, HG&F, relates to Precor C544 Transport, 1 page, undated.
	B5	Health and Fitness, "Get Elliptical", 1 page, undated, but before mid-1996.
	B6	Profiles in Quality, "Precor: Work Out Smarter", Club Industry, 1 page, approx. 1995.
	B7	Home Gym and Fitness, "Inside Sports", 1 page, Spring 1996
	B8	Health & Fitness Business Buyer's Guide, "Commercial Market In Store for Surprise", 2 pages, Fall 1996.
	B9	Home Gym and Fitness, Inside Sports, "The New Cardio Machines" Easy on the Body, Good for the Heart", 2 pages, Winter 1996.
	B10	"Diet Wars The fads/the facts", SHAPE, 1 page, February 1996.
	B11	Article from Delaware State News, "Newest fitness stuff goes on display", Marilyn Preston, 1 page, July 31, 1996.
	B12	North Coast Sports, Vol. 3, Issue 8, 1 page, September 1996.
	B13	Sporting Goods, Machine Design, October 10, 1996.
	B14	Men's Fitness, "It's a stairmill...It's a treadclimber...It's an EFX", 2 pages, November 1996.
	B15	Fitness Product News, "Zero Impact Exercise", 2 pages, Nov./Dec. 1996.
	B16	Article from Poughkeepsie Journal, "Fitness machine flurry can be confusing", Allison Simmons, 1 page, January 16, 1997.
	B17	Health & Fitness, "Less Pain for the Gain", 1 page, February 24, 1997.
	B18	"one mean machine" relating to Precor Elliptical trainers, SHAPE, 1 page, March 1997.
	B19	Bacon's, "Spin to it!", "Fitness: New exercise machines that employ elliptical movements are a hot item at health clubs", 1 page, June 4, 1997.

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the patent owner.

B20	Time digital, "How best to break a HIGH-TECH sweat?", relates to Precor EFX, 1 page, July/August 1997.
B21	Cincinnati Enquirer, "Elliptical cross-trainers, outpacing traditional climbers", August 20, 1997.
B22	The San Diego Union-Tribune, "New machines prove popular with gym rats", 1 page, November 5, 1997.
B23	Health & Fitness Business Buyer's Guide, Cardiovascular, "Changing of the Guard", 2 pages, June 1999.
B24	"Schwinn Fitness Harness the Force of Nature and You Possess the Strength of Confidence", Schwinn, Cycling & Fitness, Inc., catalog, 30 pages, 1996.
B25	"Nautilus Home Health & Fitness Catalog", Nautilus, Inc. pages 1-56 (2004).
B26	Provisional Patent Application entitled "Variable Stride Exercise Device", Attorney Docket No. 33270/US, Express Mail No. EV156971344US, 16 pages.
B27	Provisional Patent Application entitled "Variable Stride Exercise Device" to Lull et al., Attorney Docket No. 34189/US, Express Mail No. EV423770351US, 59 pages.

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the patent owner.